

## **Assembly Bill No. 23**

### **CHAPTER 502**

An act to amend Section 52616.19 of, to add Section 52617 to, and to repeal Section 52616.23 of, the Education Code, relating to adult education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 4, 2005. Filed with  
Secretary of State October 4, 2005.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 23, Liu. Adult education finance.

(1) Existing law requires, to the extent funds available for specified adult education programs are in excess of the amount needed to fund the programs, the Superintendent of Public Instruction to use the excess funds for the development of criteria for identifying programmatic areas of adult education needing expansion.

This bill would delete that requirement.

(2) Existing law requires the Superintendent of Public Instruction to develop criteria to identify programmatic areas of adult education that are in need of expansion and affords a school district an opportunity to apply for additional units of adult education average daily attendance to meet needs in programmatic areas identified by the Superintendent. This bill would repeal those provisions.

(3) Existing law requires the Superintendent of Public Instruction to determine an authorized limit of adult education average daily attendance for all high school districts and unified school districts that operated and claimed adult education state apportionments for the 1992–93 fiscal year. Existing law provides that for the 1996–97 fiscal year, and each fiscal year thereafter, a school district's adult education average daily attendance for apportionment purposes is its authorized adult education average daily attendance for the prior fiscal year multiplied by 1.025.

This bill would provide that, commencing in the 2006–07 fiscal year, and in each fiscal year thereafter, the allocation of statewide authorized adult education average daily attendance shall be modified pursuant to a specified formula.

The bill would also make specified school districts ineligible for an authorized limit of adult education average daily attendance for apportionment purposes for the 2005–06 and 2006–07 fiscal years. The bill would declare that due to the unique situation of those school districts, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and a general statute is therefore necessary.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 52616.19 of the Education Code is amended to read:

52616.19. (a) Commencing with the 1993–94 fiscal year, and each fiscal year thereafter, the only funding available for purposes of Sections 52616, 52616.16, 52616.17, and 52616.18 shall be the following:

(1) Funds that would have been apportioned for purposes of Section 52616, as that section read on June 30, 1993.

(2) Funds that would have been apportioned for purposes of concurrently enrolled average daily attendance pursuant to Section 42238.5, as that section read on June 30, 1993.

(3) Funds that would have been available for purposes of adult elementary and secondary independent study average daily attendance pursuant to Section 46300.1, as that section read on June 30, 1993.

(b) In the 1993–94 fiscal year, up to four million two hundred fifty thousand dollars (\$4,250,000) shall be available for the start up of new adult education programs pursuant to Section 52616.18. In the 1994–95 fiscal year, up to eight million five hundred thousand dollars (\$8,500,000) shall be available for the startup of new adult education programs and the continuation of programs started and funded in the 1993–94 fiscal year. Four million two hundred fifty thousand dollars (\$4,250,000) of that amount shall only be available for new adult education programs if there is no deficit applied pursuant to subdivision (c). It is the intent of the Legislature that, commencing in the 1995–96 fiscal year, those adult education programs started and funded in the 1993–94 and 1994–95 fiscal years shall continue to be funded.

(c) If the funds available pursuant to subdivision (a) are not sufficient to fully fund Sections 52616, 52616.16, 52616.17, and 52616.18, the Superintendent of Public Instruction shall reduce the adult education apportionment for each district that received funding pursuant to Section 52616.16.

(d) If the funds available pursuant to subdivision (a) exceed the amount needed to fund the purposes specified in Sections 52616, 52616.16, 52616.17, 52616.18, and 52617, the Superintendent shall allocate those excess funds on a one-time basis to a school district operating adult education programs that have exceeded its number of units of authorized adult education average daily attendance in proportion to the excess units of average daily attendance served by each school district for that fiscal year. The Superintendent may not allocate an amount of funds to a school district pursuant to this subdivision that exceeds the total number of units of authorized adult education average daily attendance served by the school district multiplied by the appropriate funding rate per unit of average daily attendance.

SEC. 2. Section 52616.23 of the Education Code is repealed.

SEC. 3. Section 52617 is added to the Education Code, to read:

52617. (a) (1) Commencing in the 2006–07 fiscal year, and in each fiscal year thereafter, the Superintendent shall, after making adjustments pursuant to subdivision (d) of Section 52616.17, and based on data reported to the department by local educational agencies on or before July 15 of each fiscal year, adjust the allocation of apportionments for adult education average daily attendance as follows:

(A) For a school district operating an adult education program with fewer than 100 units of authorized adult education average daily attendance, as determined pursuant to Section 52616.17, in the two prior fiscal years, and which served or exceeded its adult education average daily attendance authorized limit in the two prior fiscal years, the Superintendent shall grant to the school district up to 30 additional units of authorized adult education average daily attendance made available after he or she performs the adjustments pursuant to subparagraph (C) upon the request of the district. A school district that receives additional units may not exceed 100 total units. If available units are insufficient to provide for this adjustment, the school district shall receive a prorated amount, relative to the units of authorized adult education average daily attendance of the school district.

(B) For a school district operating an adult education program with 100 or more units of authorized adult education average daily attendance, as determined pursuant to Section 52616.17, in the two prior fiscal years, and which served or exceeded its units of authorized adult education average daily attendance for the school district in the two prior fiscal years, the school district shall receive a prorated amount of units available, as specified in paragraph (2), after the Superintendent performs the adjustment required by subparagraphs (A) and (C), relative to the adult education average daily attendance authorized limit of the school district.

(C) For a school district operating an adult education program that failed to serve its units of authorized adult education average daily attendance for the school district in the two prior fiscal years, the units of authorized adult education average daily attendance of the school district shall be reduced by an amount equal to one-half of the lowest level of unearned adult education average daily attendance in either of the two prior fiscal years. The Superintendent shall notify a school district that its units of authorized adult education average daily attendance for the school district are reduced pursuant to this paragraph.

(2) The Superintendent may not perform adjustments pursuant to paragraph (1) that result in a total statewide apportionment of units of authorized adult education average daily attendance that exceeds the amount funded in the annual Budget Act.

(3) (A) A school district that receives additional units of authorized adult education average daily attendance pursuant to paragraph (1) shall provide a number of career technical education courses that is equal to the percentage of average daily attendance of adults attending those courses in the prior three fiscal years without regard to units of authorized adult education average daily attendance added pursuant to paragraph (1).

(B) A school district shall use funds derived from an adjustment performed pursuant to paragraph (1) for the purpose of providing access to, or direct instruction in, career technical education courses.

(C) “Career technical education courses” means those included within the career and technical education curriculum framework developed pursuant to Section 51226.1.

(b) (1) The following school districts are not eligible for an increase in the additional units of authorized adult education average daily attendance, as specified in Section 52616.17, or for additional units of authorized adult education average daily attendance pursuant to subdivision (a), for the 2005–06 fiscal year:

- (A) Alhambra Unified School District.
- (B) Azusa Unified School District.
- (C) Banning Unified School District.
- (D) East Side Union High School District.
- (E) El Monte Union High School District.
- (F) Grant Joint Union High School District.
- (G) Madera Unified School District.
- (H) Montebello Unified School District.
- (I) Perris Union High School District.
- (J) Santa Maria Joint Union High School District.
- (K) Ventura Unified School District.

(2) The following school districts are not eligible for an increase in the additional units of authorized adult education average daily attendance, as specified in Section 52616.17, or for additional units of authorized adult education average daily attendance pursuant to subdivision (a), for the 2005–06 and 2006–07 fiscal years:

- (A) Amador County Unified School District.
- (B) Dublin Unified School District.
- (C) Manteca Unified School District.
- (D) Martinez Unified School District.
- (E) Novato Unified School District.
- (F) Oakdale Joint Unified School District.
- (G) Pittsburg Unified School District.
- (H) Salinas Union High School District.
- (I) Baldwin Park Unified School District.

(3) (A) Notwithstanding paragraph (1) or (2), for the 2005–06 and 2006–07 fiscal years, a school district specified by paragraph (1) or (2) is eligible for an increase in the units of authorized adult education average daily attendance equal to one-half of one percent of the units of authorized adult education average daily attendance of the school district for the sole purpose of the creation of new average daily attendance within a new or existing nursing preparation program.

(B) A school district that receives an increase pursuant to subparagraph (A) shall maintain at least the amount of nursing preparation average daily attendance that is equal to the average daily attendance generated by the

school district in nursing preparation programs for the prior three fiscal years to be eligible for the increase specified in subparagraph (A).

(4) It is the intent of the Legislature that this subdivision resolves disputed claims for adult education average daily attendance made for the 1990–91 and 1991–92 fiscal years.

SEC. 4. Due to the unique circumstances concerning disputed claims for adult education average daily attendance made by the school districts specified by Section 3 of this act, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to implement funding formulas for authorized adult education average daily attendance prescribed by this act in the 2005–06 fiscal year, it is necessary that this act take effect immediately.